



Ohio Bureau of Criminal Identification & Investigation
INVESTIGATIVE REPORT



12/19/2012 REPORT RECEIVED FROM EAST CLEVELAND P D

Summary

On December 19, 2012 Special Agent Brenda McNeely received reports from the East Cleveland P D detectives regarding the ongoing investigation into the officer involved shooting in East Cleveland, Ohio.

Details

On December 19, 2012 Special Agent Brenda McNeely received reports from the Cuyahoga County Sheriff's Office detectives regarding the ongoing investigation into the officer involved shooting in East Cleveland, Ohio. The reports are listed as follows:

12/08/12 – Summary of e-mail received from Steve Kinas regarding Policy and Procedures for Cleveland Police dispatchers.

The paperwork has been attached to the East Cleveland report.

File Number: SI-18-12-82-1493	File Title: Timothy R. Russell (S) Malissa A. Williams (S)
Case Agent: Mark Kollar	Authoring Agent: Brenda McNeely <i>BMc</i>
Date of Report: 12/21/2012	Exhibit #: N/A
Investigative Activity: Report Received from East Cleveland Police Detective	Supervisor Approval: Dennis Sweet <i>[Signature]</i> JAN 14 2013

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**EAST CLEVELAND POLICE DEPT. SUPPLEMENTARY REPORT
OFFENSE/INCIDENT: HOMICIDE/OFFICER INVOLVED SHOOTING**

LOCATION: 14410 TERRACE ROAD, EAST CLEVELAND, OHIO 44112

Additional details of offense or accident program of investigation, etc.

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12/18/2012 CLEVELAND POLICE OFFICER INVOLVED SHOOTING DOO:11/29/2012

On December 18th, 2012 Detective Sergeant Scott Gardner with the East Cleveland Police Department received an email from Steve Kinas, with the Cleveland Police Patrolman's Association. The email contained a Divisional Notice and a Policy and Procedure for dispatchers from the Cleveland Division of Police. Below are summaries of the paperwork received from Kinas.

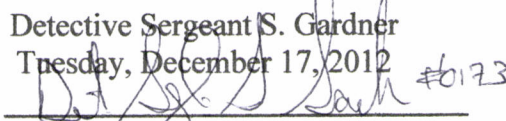
The first document is titled, "Switching and Patching Radio Talkgroups In Emergency Situations". It briefly states that there technical issues with "patching" districts into one talkgroup. It is stated that "only in the most limited circumstances" that it be done. It cites that technical and officer safety issues are the reasons that it should not be done.

The second document is titled, "Vehicle Pursuits" for classification Dispatchers. This document relates the responsibilities for district dispatchers and the information to gather and pass onto other districts and or other foreign cities if pursuits go out of the originating district. It states that a "field supervisor" may call off pursuing cars from that district that the supervisor is part of. "It is at the discretion of a field supervisor in the district the pursuit has entered to determine if units from that district will assist".

These documents will be placed and maintained in the original case folder.

Investigation Continues...


APPROVED BY

Detective Sergeant S. Gardner
Tuesday, December 17, 2012 #6173

INVESTIGATING OFFICER

DATE: 12/17/2012



CLEVELAND DIVISION OF POLICE

DIVISIONAL NOTICE



DATE OF ISSUE: March 18, 2011	DISTRIBUTION: ADMINISTRATIVE UNITS	NUMBER: 11-85
SUBJECT: SWITCHING AND PATCHING RADIO TALKGROUPS IN EMERGENCY SITUATIONS		NO. PAGES: 1 of 1
CLASSIFICATION:	CHIEF OF POLICE: <i>Michael McGrath, Chief</i>	

Patching is a technical feature of the Motorola 800 MHz radio system that can combine two or more talkgroups (channels) into one talkgroup. This feature is sometimes activated when an emergency situation is occurring near the shared boundaries of two adjoining districts. However, this act of patching two districts into one shared talkgroup can result in a technical issue that can compromise officer safety.

As a result, the technical feature of patching will not be an accepted standard practice but rather will be activated by the Communication Control Section (CCS) only in the most limited of circumstances. In lieu of patching, members will be directed to switch to one select talkgroup from which all CCS broadcasts and street transmissions relative to that incident will be made.

Generally, a sector supervisor shall make the decision to order units to switch to one select talkgroup. However, as CCS dispatchers are in a unique position to monitor all communications and may be quicker to discern the necessity to switch to one talkgroup, a CCS dispatcher may direct all involved units to switch to one select talkgroup. In either case, it shall be the responsibility of CCS dispatchers to instruct units of the proper channel in support of the multi-district/unit operation.

When multiple units are on one talkgroup, members shall be mindful that airtime is at a premium and that only critical and concise transmissions shall take place.

Officers who switch to a talkgroup other than their primary talkgroup while assisting with an incident shall, at the first opportunity, advise their primary talkgroup dispatcher that they will be on a talkgroup other than the one to which they are assigned. Officers shall remain on the foreign talkgroup only for as long as necessary.

When the sector supervisor in charge of an incident (where units have switched to a single talkgroup) determines a situation is sufficiently under control, that supervisor shall request CCS to instruct all units to return back to their primary talkgroup.

MM/LM/JCO/ajg
Policy & Procedures Unit



POLICY AND PROCEDURES

Bureau of Communications and Property Control

Communications Control Section

Date: December 30, 2002	Effective Date: March 27, 2011
Subject: Vehicle Pursuits	
Classification: Dispatching	Page 1 of 4
Related: G.P.O. 3.2.02, Rescinds CCS Policy 2003-01	
Authority: <i>[Signature]</i>	No. 2011-06

Substantive changes appear in italics

PURPOSE: To establish guidelines for CCS practices during vehicle pursuits.

POLICY: It is the policy of the CCS to minimize the danger to citizens and Division field personnel during vehicle pursuits.

PROCEDURES:

I. Responsibilities of District Dispatcher

- A. When advised by a field unit that a vehicle pursuit is in progress, the affected district dispatcher shall:
1. Immediately advise a street supervisor that a vehicle pursuit is in progress.
 2. Determine if there are any operational Aviation Unit aircraft available to assist.
 - a. Broadcast for the aircraft to switch to the talkgroup of the district involved in the pursuit.
 3. Notify a CCS supervisor that a vehicle pursuit is in progress.
 4. Advise all uninvolved units to stay off the air unless it is an emergency.
 - a. Broadcast the message again, over the affected talkgroups, should the pursuit enter another district.
 5. Create a CAD incident if one does not exist.
 - a. Update the CAD incident throughout the duration of the pursuit with any updates of note.

CCS POLICY AND PROCEDURES

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6. Dispatch any *high-priority* assignments received during the vehicle pursuit.
 - a. *If necessary, have the unit(s) you wish to respond to the high-priority event switch to the district tactical channel to receive the broadcast.*
 - b. *CCS supervisors shall assist channel dispatchers with dispatching difficulties encountered during a vehicle pursuit. This shall include dispatching (or causing the dispatch by available personnel) of the high-priority event to a unit over the district tactical channel.*
 7. If ordered by a supervisor to terminate the pursuit, immediately broadcast the order to terminate, to all units involved, until an acknowledgement is received.
 8. Upon termination of a vehicle pursuit, broadcast on all affected talkgroups that the pursuit is over or has been terminated.
- B. Should the pursuit enter another district:
1. Immediately advise the dispatcher of the affected district that a pursuit has entered their district.
 2. The dispatcher of the district the pursuit has entered shall advise all units of the pursuit, providing them with any pertinent information *and periodic updates.*
 - a. *It is at the discretion of a field supervisor in the district the pursuit has entered to determine if units from that district will assist.*
 - b. *As an enhancement to officer safety, and if existing circumstances and workload allow, the originating dispatcher may multi-select the district the pursuit has entered to provide 'real time' updates on the pursuit, unless following item B3 below.*

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- c. *'Patching' talkgroups together via the 800 MHz radio equipment in emergency situations is not CCS practice and shall not be done. (see CCS Policy 2011-05)*
 3. *If ordered by a supervisor (field or CCS) or at the dispatcher's discretion, units shall be advised to switch to the primary talkgroup of the pursuit's originating district in instances of pursuits traveling from one district to another.*
 - a. *The originating dispatcher shall retain "control" of the chase unless ordered otherwise by a field or CCS supervisor.*
 4. Upon termination of the pursuit, the pursuit re-enters the originating district, or if ordered by a supervisor, remove any 'multi-select' from other talkgroups.

II. Responsibilities of Relief or Other Available CCS Personnel

- A. If available, or ordered, assist the dispatcher involved in the vehicle pursuit.
 1. Assist with and perform normal channel activities while the primary dispatcher maintains the vehicle pursuit.

III. Responsibilities of CCS Supervisors

- A. When notified of a vehicle pursuit:
 1. Monitor the affected talkgroup on the 800 MHz radio.
 2. Provide the dispatcher maintaining the pursuit with any assistance, including additional personnel, as required.
 3. *Assist personnel with any difficulties they may have dispatching high priority events received during the pursuit.*
 4. Based on existing protocol, make any necessary notifications regarding the vehicle pursuit.

IV. Pursuits Entering Other Cities

- A. *District dispatcher, relief personnel or CCS supervisor, shall contact and provide appropriate information to the other agency. Appropriate information includes:*

CCS POLICY AND PROCEDURES

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1. *Reason for pursuit*
2. *Location/direction of pursuit*
3. *Vehicle/occupant description*
4. *The deployment of 'stop sticks' or other law enforcement actions or tactics*

V. Pursuits Entering Cleveland from Other Cities

- A. CCS personnel receiving the information shall immediately notify the district dispatcher of the area of entry.
 - a. Obtain all pertinent information from the foreign agency, including a 'common' frequency, if any, that may be used by Cleveland's Aviation Unit, if providing assistance.
- B. District dispatcher shall immediately notify a field supervisor of the foreign agency pursuit.
- C. Determine from the field supervisor if any Cleveland units should be assigned to the pursuit.
- D. Determine if there are any operational Aviation Unit aircraft available to assist.
 - a. If assisting, provide the Aviation Unit personnel with all pertinent information.

TAS:mc